

UNITED STATES DISTRICT COURT  
FIRST DISTRICT OF MASSACHUSETTS

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DESIREE M. ALLAIRE  
Plaintiff

vs.

Civil Action No.: 03-12566-RWZ

JODAN KALEMRA, alias, a/k/a JODAN KALEMBA  
RYDER TRUCK RENTAL, LT., RTRT, INC. in its  
capacity as trustee for the Ryder Truck Rental, Lt.  
RYDER TRUCK RENTAL, INC.,  
IRON MOUNTAIN OFF-SITE DATA, INC. f/k/a  
ARCUS DATA SECURITY, INC.,  
JOHN DOES 1-5  
Defendants

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**PLAINTIFF'S SCHEDULING CONFERENCE MEMORANDUM**

Plaintiff Desiree Allaire ("Allaire") hereby submits her scheduling conference memorandum in accordance with Fed. R. Civ. P. 16(b) and Local Rule 16.1.

**I. Case Overview**

This instant case arises out of an automobile accident that occurred on December 24, 2000 in Nashua, New Hampshire. At the time of the accident, the Plaintiff was a passenger in a vehicle driven by Scott Peters. Peters has not been named as a defendant in this case as he bears no liability for the resulting accident or the injuries suffered by Allaire.

The vehicle which was responsible for the accident is owned by Ryder Truck Rental, Inc. (Ryder) or another related company or subsidiary of Ryder. Defendant Jodan Kalemba was operating the Ryder truck at the time of the accident. At the time of the collision, Kalemba was an employee of Defendant Iron Mountain Off-Site Data Inc. f/k/a Arcus Data Security, Inc.

The collision caused by the Ryder truck forced Peters' truck into a sound reducing wall and a cement post. The truck ultimately went over the roadside embankment and came to rest in a ditch. Plaintiff Allaire suffered significant injuries as a result of the collision which include severe lacerations to her face, neck and right arm. The Plaintiff was knocked unconscious as a result of the violent impact with the windshield. The Plaintiff has suffered permanent scarring to her face.

## **II. Discovery Plan**

The Plaintiff has reviewed the Defendants' Joint Scheduling Conference Memorandum with respect to the Defendants' proposed discovery plan. The Plaintiff is in agreement with the proposed discovery schedule and submits that this plan will give the parties ample time to conduct discovery.

## **III. Filing of Motions**

The Plaintiff agrees to a deadline of March 1, 2005 to file Rule 56 motions.

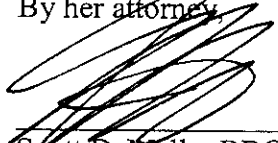
## **IV. Alternative Dispute Resolution Programs**

The Plaintiff will agree to submit this matter to mediation in accordance with Rule 16.4(c)(4). The Plaintiff submits that all parties would benefit from

mediation as it would enable the participants to view the strengths and weaknesses of each case in a more informal setting. In addition, one or more mediators could provide their insight as to the strength and weaknesses of each case.

Plaintiff, Desiree Allaire

By her attorney,



Scott DeMello, BBO# 566981

DeMello & Clark

109 Oak Street

Newton, Massachusetts 02464

**CERTIFICATION**

I hereby certify that on this \_\_ day of March 2004, I served a true and accurate copy of the within Scheduling Conference Memorandum to the following:

Scott J. Tucker, Esquire  
Tucker, Heifetz & Saltzman, LLP  
Three School Street  
Boston, Massachusetts 02108

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